

AMENDED IN ASSEMBLY JUNE 23, 2015

AMENDED IN SENATE APRIL 23, 2015

AMENDED IN SENATE FEBRUARY 18, 2015

SENATE BILL

No. 110

Introduced by Senator Fuller

(Principal coauthor: Assembly Member Waldron)

(Coauthors: Senators Anderson, Huff, Stone, and Vidak)

(Coauthors: Assembly Members Chávez, Chu, Dahle, Gallagher, Grove, Jones, Lackey, Maienschein, Mathis, and Olsen)

January 9, 2015

An act to add Section 422.2 to the Penal Code, relating to threats.

LEGISLATIVE COUNSEL'S DIGEST

SB 110, as amended, Fuller. Threats: schools.

Existing law makes it a crime to willfully threaten to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat and which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety. *Under existing law, this crime is punishable by imprisonment in a county jail for no more than one year for a misdemeanor, or by imprisonment in state prison for a felony.*

This bill would make a person who, by any means, including, but not limited to, by means of an electronic act, *willfully* threatens unlawful violence to occur upon the grounds of a ~~school~~ school, as defined, with

specific intent and under certain circumstances circumstances, and that threat creates a disruption at the school, guilty of a ~~misdemeanor, misdemeanor or felony~~ punishable by imprisonment in a county jail for a term not exceeding one year, by a fine of \$1,000, or by both that imprisonment and that fine. The bill would also make a person convicted of violating this provision, or adjudged a ward of the juvenile court based upon a violation of this provisions, liable to a public agency for any reasonable costs of that public agency's emergency response to the person's threat. *specified term*. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 422.2 is added to the Penal Code, to read:
2 422.2. (a) ~~Any~~ A person who, by any means, including, but
3 not limited to, by means of an electronic act, *willfully* threatens
4 unlawful violence *that will result in death or great bodily injury*
5 to occur upon the grounds of a school under circumstances where
6 ~~the threat would reasonably be understood as true and the person~~
7 ~~making the threat knows or should know that the threat would be~~
8 ~~understood as true, school, with the specific intent that the~~
9 ~~statement is to be taken as a threat, even if there is no intent of~~
10 ~~carrying it out, and where the threat, on its face and under the~~
11 ~~circumstances in which it is made, is so unequivocal, uncondi~~
12 ~~tional, immediate, and specific as to convey a gravity of purpose~~
13 ~~and an immediate prospect of execution of the threat, and that~~
14 ~~threat creates a disruption at the school, is guilty of a misdemeanor,~~
15 ~~punishable shall be punished~~ by imprisonment in a county jail for
16 a term not exceeding one year, ~~a fine of one thousand dollars~~
17 ~~(\$1,000), or by both that imprisonment and fine. pursuant to~~
18 ~~subdivision (h) of Section 1170.~~
19 (b) ~~A person convicted of violating this section, or adjudged a~~
20 ~~ward of the juvenile court pursuant to Section 602 of the Welfare~~

1 ~~and Institutions Code based upon a violation of this section, is~~
2 ~~liable to a public agency for any reasonable costs of that public~~
3 ~~agency's emergency response to the person's threat.~~

4 ~~(e)~~

5 (b) This section does not preclude or prohibit prosecution under
6 any other law.

7 ~~(d)~~

8 (c) For purposes of this section, the following terms have the
9 following meanings:

10 (1) "Disruption" means interference with peaceful activities of
11 the campus or facility.

12 (2) "Electronic act" has the same meaning as in paragraph (2)
13 of subdivision (r) of Section 48900 of the Education Code.

14 (3) "School" means a state ~~preschool or~~ *preschool*, a private or
15 public elementary, middle, vocational, junior high, or high ~~school.~~
16 *school, a community college, a public or private university, or a*
17 *location where a school-sponsored event is or will be taking place.*

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.